

The document below is hereby signed.

Dated: October 25, 2012.



A handwritten signature in cursive script, reading "S. Martin Teel, Jr.", is written over a horizontal line.

**S. Martin Teel, Jr.**  
**U.S. Bankruptcy Judge**

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re	)	
	)	
STEPHEN THOMAS YELVERTON,	)	Case No. 09-00414
	)	(Chapter 7)
Debtor.	)	Not for Publication in
	)	West's Bankruptcy Reporter

MEMORANDUM DECISION AND ORDER STRIKING DEBTOR'S DEMAND  
FOR JURY TRIAL ON TRUSTEE'S OBJECTION TO EXEMPTIONS

In bankruptcy cases, "many incidental questions arise in the course of administrating the bankrupt estate, which would ordinarily be pure cases at law, and in respect of their facts triable by jury, but, as belonging to the bankruptcy proceedings, they become cases over which the bankruptcy court, which acts as a court of equity, exercises exclusive control." *Muratore v. Darr*, 375 F.3d 140, 143 (1st Cir. 2004) (quoting *Barton v. Barbour*, 104 U.S. 126, 134, 26 L. Ed. 672 (1881)). By the debtor's filing a bankruptcy petition and filing a claim of exemptions, the issue of exemptions became an equitable issue triable by the court without a jury. See *Langenkamp v. Culp*, 498 U.S. 42, 111 S. Ct. 330, 112 L. Ed.2d 343 (1990) (filing a claim against the estate triggers the process of allowance and

disallowance of claims and thus subjects the claimant to the bankruptcy court's equitable power); *Katchen v. Landy*, 382 U.S. 323, 86 S. Ct. 467, 15 L. Ed.2d 391 (1966) (same); *Murphy v. Felice (In re Felice)*, 2012 WL 4757791 at \*25-26 (Bankr. D. Mass. Oct. 5, 2012). It is thus

ORDERED that the debtor's Demand for a Jury Trial (Dkt. No. 549) is STRICKEN.

[Signed and dated above.]

Copies to: Debtor; Recipients of e-notification of filings.